

# Senate Amendment 3300

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1 1 Amend Senate File 448 as follows:  
1 2 #1. Page 1, by inserting before line 1 the  
1 3 following:  
1 4 <Section 1. Section 321J.2, subsection 2,  
1 5 paragraph a, subparagraph (1), Code 2003, is amended  
1 6 to read as follows:  
1 7 (1) Imprisonment in the county jail for not less  
1 8 than forty-eight hours, to be served as ordered by the  
1 9 court, less credit for any time the person was  
1 10 confined in a jail or detention facility following  
1 11 arrest or for any time the person spent in a court-  
1 12 ordered operating-while-intoxicated program that  
1 13 provides law enforcement security. However, the  
1 14 court, in ordering service of the sentence and in its  
1 15 discretion, may accommodate the defendant's work  
1 16 schedule.  
1 17 Sec. 2. NEW SECTION. 811.2A PRETRIAL RELEASE.  
1 18 A person who has been arrested and is released  
1 19 pursuant to pretrial release guidelines and who is  
1 20 subsequently rearrested for an offense greater than a  
1 21 serious misdemeanor while under a plan of pretrial  
1 22 release shall not be eligible for another release  
1 23 pursuant to pretrial release guidelines. However, the  
1 24 person may be admitted to bail if eligible pursuant to  
1 25 section 811.1.>  
1 26 #2. Page 5, by inserting after line 7 the  
1 27 following:  
1 28 <Sec. \_\_\_\_\_. NEW SECTION. 904.117 INTERSTATE  
1 29 COMPACT FUND.  
1 30 An interstate compact fund is established under the  
1 31 control of the department. All interstate compact  
1 32 fees collected by the department pursuant to section  
1 33 907B.5 shall be deposited into the fund and the moneys  
1 34 shall be used by the department to offset the costs of  
1 35 complying with the interstate compact for adult  
1 36 offender supervision in chapter 907B. Notwithstanding  
1 37 section 8.33, moneys remaining in the fund at the end  
1 38 of a fiscal year shall not revert to the general fund  
1 39 of the state. Notwithstanding section 12C.7, interest  
1 40 and earnings deposited in the fund shall be credited  
1 41 to the fund.>  
1 42 #3. Page 8, by inserting after line 29 the  
1 43 following:  
1 44 <Sec. \_\_\_\_\_. Section 907.4, Code 2003, is amended to  
1 45 read as follows:  
1 46 907.4 DEFERRED JUDGMENT DOCKET.  
1 47 A deferment of judgment under section 907.3 shall  
1 48 be reported promptly by the clerk of the district  
1 49 court, or the clerk's designee, to the state court  
1 50 administrator for entry in the deferred judgment  
2 1 docket. The docket shall contain a permanent record  
2 2 of the deferred judgment including the name and date  
2 3 of birth of the defendant, the district court docket  
2 4 number, the nature of the offense, and the date of the  
2 5 deferred judgment. Before granting deferred judgment  
2 6 in any case, the court shall request of the state  
2 7 court administrator a search of the deferred judgment  
2 8 docket and shall consider any prior record of a  
2 9 deferred judgment against the defendant. The  
2 10 permanent record provided for in this section is a  
2 11 confidential record exempted from public access under  
2 12 section 22.7 and shall be available only to justices  
2 13 of the supreme court, judges of the court of appeals,  
2 14 district judges, district associate judges, judicial  
2 15 magistrates, clerks of the district court, judicial  
2 16 district departments of correctional services, and  
2 17 county attorneys requesting information pursuant to  
2 18 this section, or the designee of a justice, judge,  
2 19 magistrate, clerk, judicial district department of  
2 20 correctional services, or county attorney.>  
2 21 #4. Page 9, by inserting after line 26, the

2 22 following:

2 23 <Sec. \_\_\_\_\_. NEW SECTION. 907B.4 CRIMINAL

2 24 OFFENSES.

2 25 1. A person on parole, probation, or who is under  
2 26 any other form of correctional supervision in another  
2 27 compacting state, shall not reside or remain in this  
2 28 state for a period greater than three days in  
2 29 violation of the terms or rules of the interstate  
2 30 compact for adult offender supervision.

2 31 2. A person accepted by this state under the  
2 32 interstate compact for adult offender supervision  
2 33 shall provide a current address to and register with  
2 34 the judicial district department of correctional  
2 35 services in which the person resides. If a person  
2 36 changes residences, the person shall notify the  
2 37 person's probation or parole officer within three days  
2 38 of changing residences.

2 39 3. A person accepted by this state under the  
2 40 interstate compact for adult offender supervision  
2 41 shall not violate the terms and conditions of  
2 42 supervision set by the judicial district department of  
2 43 correctional services supervising the person.

2 44 4. A person shall not knowingly provide materially  
2 45 false information during an investigation to determine  
2 46 the appropriateness of placement or acceptance under  
2 47 the interstate compact for adult offender supervision.

2 48 5. A person who violates this section commits a  
2 49 serious misdemeanor.

2 50 Sec. \_\_\_\_\_. NEW SECTION. 907B.5 INTERSTATE COMPACT  
3 1 FEE.

3 2 The department of corrections may assess a fee, not  
3 3 to exceed one hundred dollars, for an application to  
3 4 transfer out of the state under the interstate compact  
3 5 for adult offender supervision. The fee may be waived  
3 6 by the department. The moneys collected pursuant to  
3 7 this section shall be deposited into the interstate  
3 8 compact fund established in section 904.117 and shall  
3 9 be used to offset the costs of complying with the  
3 10 interstate compact for adult offender supervision.

3 11 Sec. \_\_\_\_\_. Section 910.3B, Code 2003, is amended to  
3 12 read as follows:

3 13 910.3B RESTITUTION FOR DEATH OF VICTIM.

3 14 1. In all criminal cases in which the offender is  
3 15 convicted of a felony in which the act or acts  
3 16 committed by the offender caused the death of another  
3 17 person, in addition to the amount determined to be  
3 18 payable and ordered to be paid to a victim for  
3 19 pecuniary damages, as defined under section 910.1, and  
3 20 determined under section 910.3, the court shall also  
3 21 order the offender to pay at least one hundred fifty  
3 22 thousand dollars in restitution to the victim's estate  
3 23 if the victim died testate. If the victim died  
3 24 intestate the court shall order the offender to pay  
3 25 the restitution to the victim's heirs at law as  
3 26 determined pursuant to section 633.210. The

3 27 obligation to pay the additional amount shall not be  
3 28 dischargeable in any proceeding under the federal  
3 29 Bankruptcy Act. Payment of the additional amount  
3 30 shall have the same priority as payment of a victim's  
3 31 pecuniary damages under section 910.2, in the  
3 32 offender's plan for restitution.

3 33 2. An award under this section does not preclude  
3 34 or supersede the right of a victim's estate or heirs  
3 35 at law to bring a civil action against the offender  
3 36 for damages arising out of the same facts or event.  
3 37 However, no evidence relating to the entry of the  
3 38 judgment against the offender pursuant to this section  
3 39 or the amount of the award ordered pursuant to this  
3 40 section shall be permitted to be introduced in any  
3 41 civil action for damages arising out of the same facts  
3 42 or event.

3 43 3. An offender who is ordered to pay a victim's  
3 44 estate or heirs at law under this section is precluded  
3 45 from denying the elements of the felony offense which  
3 46 resulted in the order for payment in any subsequent  
3 47 civil action for damages arising out of the same facts  
3 48 or event.

3 49 Sec. \_\_\_\_\_. Section 915.100, subsection 2, paragraph  
3 50 c, Code 2003, is amended to read as follows:

4 1 c. In cases where the act committed by an offender  
4 2 causes the death of another person, in addition to the

4 3 amount ordered for payment of the victim's pecuniary  
4 4 damages, the court shall also order the offender to  
4 5 pay at least one hundred fifty thousand dollars in  
4 6 restitution to the victim's estate or heirs at law,  
4 7 pursuant to the provisions of section 910.3B.>.  
4 8 #5. Title page, line 1, by striking the words <the  
4 9 department of corrections and its duties> and  
4 10 inserting the following: <criminal offenders and  
4 11 inmates>.  
4 12 #6. Title page, line 2, by striking the word  
4 13 <regarding> and inserting the following: <including  
4 14 credit for time served by operating=while=intoxicated  
4 15 offenders, pretrial release guidelines,>.  
4 16 #7. Title page, lines 6 and 7, by striking the  
4 17 words <and payment of supervision fees.> and inserting  
4 18 the following: <, expansion of the accessibility of  
4 19 the deferred judgment docket, payment of supervision  
4 20 fees, payment of restitution, creating criminal  
4 21 offenses for persons under the interstate compact for  
4 22 adult offender supervision, creating a fund, providing  
4 23 for a fee, and providing penalties.>  
4 24 #8. By renumbering as necessary.  
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4 27 \_\_\_\_\_  
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